

REMARKS/ARGUMENTS

The Office Action mailed July 22, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Applicants are grateful for the indication of allowability of claim 5, subject to the re-writing in independent form. The limitations of claim 5 have been added to claim 1 as new independent claim 46. Applicant's reading of the Office Action is that the specific limitation of claim 5 is why the Patent Office feels that claim 5 is allowable, and not the limitations of intervening claims 2-4. Therefore, claim 46 does not include the limitations of the intervening claims. Applicant respectfully submits that claim 46 is in condition for allowance.

Claims 1, 10, 14-17, 19 and 23 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 6, paragraph 14 through page 7, paragraph 18. The text of claims 2-9, 11-13, 18, 20-22 and 24-28 is unchanged, but their meaning is changed because they depend from amended claims.

New claims 29-46 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, page 6, paragraph 14 through page 7, paragraph 18.

The 35 U.S.C. § 102 Rejection

Claims 1-4 and 6-28 were rejected under 35 U.S.C. § 102(#) as being allegedly anticipated by Hsu et al.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claim 1 as amended includes the element “collecting information of the user from the mobile terminal with the web server via said data-only session”. Hsu contains no such element.

Hsu follows the procedure outlined in the background section of the present application. Namely, in Hsu a live customer service representative is utilized to collect user information at the web server (see col. 7, lines 38-42, “During this initial voice call, a customer service representative may request the mobile identification number (MIN) assigned to the digital telephone, and may collect user identity and profile information, including information necessary to establish credit worthiness”). Hsu therefore suffers from the same limitations as the background section indicates: it is unusable if the user has a data-only mobile terminal, as there is no way for the user to communicate the user information to the web server to set up the IS-683 session without using a voice line.

¹ U.S. Patent 6,587,684

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The above-described element of claim 1, however, indicates that the web server is collecting this information over a data-only session, which was established during the previous step. Support for this element may be found in the specification, on page 5, lines 16-19 (“Once the selected system is acquired, the mobile terminal 12 will originate a call using a circuit switched data or packet data service option.”).

Hsu does not teach or suggest “collecting information of the user from the mobile terminal with the web server via said data-only session” because Hsu collects the information via a voice session. As such, Applicant respectfully submits that claim 1 is in condition for allowance.

Claims 10, 19, and 23 each contain a similar element, and thus Applicant submits that these claims are also in condition for allowance.

As to dependent claims 2-4, 6-9, 11-18, 20-22 and 24-28, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 8/16/04

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